

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOWARD ALLEN YOUNG, F-44590,)
Plaintiff,) No. C 06-0114-CRB (PR)
vs.) ORDER
TRANS UNION, et al.,) (Docket # 173)
Defendant(s).)

Plaintiff has filed a motion for an extension of time to file a motion to vacate the final judgment entered in this case on August 29, 2012 and thereby toll the time to file an appeal from the judgment. The motion (docket # 173) is DENIED.

Although a motion for relief from judgment filed within 28 days of the entry of the judgment tolls the time to file an appeal from the judgment, Fed. R. App. P. 4(a)(4), this court has no authority to extend the time to file a tolling motion for reconsideration. See Miller v. Maxwell's Int'l, Inc., 991 F.2d 583, 585 (9th Cir. 1993). But liberally construed, plaintiff's motion also is construed as a timely motion for an extension of time to file a notice of appeal and, good cause appearing, granted. See Fed. R. App. P. 4(a)(5). Plaintiff may file a notice of appeal by no later than 14 days from the date of this order. See id.

SO ORDERED.

DATED: Oct. 4, 2012


CHARLES R. BREYER
United States District Judge